IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 137 OF 2007.

Mangaldas Lalji Kampani. ... Appellant.

Versus.

Municipal Croporation of Greater Mumbai. ... Respondent.

Shri R.Narula i/by Shri S.K.Jain for the Appellant.

Shri J.J.Xavier for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 2nd March, 2007.

P.C.:

1. The learned Counsel appearing for the Appellant has tendered on record an affidavit of the Appellant. The same is taken on record and marked "X" for identification. In view of the said affidavit, the following order is passed:

(i) The Appeal is dismissed as withdrawn unconditionally.

(ii) If the Appellant makes an application to the Respondent-Corporation for regularisation of the offending structure within a period of 8 weeks from today, the same shall be considered and decided by the Respondent-Corporation within a period of 8 weeks from the date of filing of the Application. The order passed on the said

Application shall be communicated to the Appellant within a period of one week from the date of passing of the said order.

(iii) If the Application for regularisation is made within the stipulated period of 8 weeks from today, the parties will maintain status-quo as of today in respect of the suit structure for a period of six months from today. If the Application for regularisation of the offending structure is not made within the stipulated period, on expiry of the period of 8 weeks, the Respondent-Corporation will be free to proceed against the offending structure.

(iv) The Application for regularisation made by the Appellant shall be considered by the Respondent-Corporation on its own merits without being influenced by the dismissal of the Appeal.

(v) All contentions of the parties in that behalf are kept open.

(vi) The parties to act on an authenticated copy of this order.

Judge.